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OFFICE OF PETITIONS

In re Application of :
Taylor Leaming : DECISION ON PETITION
Application No. 10/829,008 :
Filed: April 21, 2004 :
Atty Docket No. 02-AU-092 (52042) :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed Friday, December 21, 2007 (with a certificate of mailing dated December 21, 2007).

The petition is **GRANTED**.

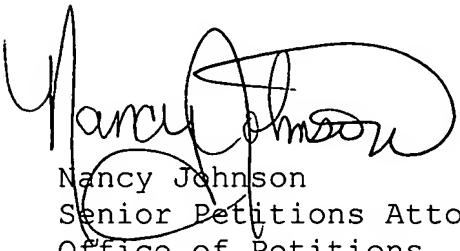
The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed June 18, 2007. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective September 19, 2007. A courtesy Notice of Abandonment was mailed on December 27, 2007.

The petition includes the required reply in the form of an amendment, the statement of unintentional delay and payment of the petition fee. No terminal disclaimer is required. With respect to the statement of unintentional delay, it is noted that on the Notice of Abandonment, the examiner notes attorney Woodson's acknowledgment of the abandonment. However, under the circumstances, this acknowledgment does not constitute an intentional abandonment of the application. It is considered that the Notice of Abandonment, which contained this

acknowledgment, was mailed on December 27, 2007. Of significance, at that time, the instant petition had already been filed on December 21, 2007. Moreover, although the petition with the required statement that "the entire delay from the due date to the filing of the petition was unintentional" was signed by attorney Regan, it also included a statement by attorney Woodson attesting to the unintentional abandonment of this application. As such, the examiner's notation on the Notice of Abandonment does not preclude a conclusion that the abandonment of this application was unintentional. Accordingly, it is concluded that petitioner has met all requirements for revival pursuant to 37 CFR 1.137(b) based on unintentional delay.

Technology Center AU 2181 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed December 21, 2007.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions